

AP/3738



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Boyce et al.  
**SERIAL NO.:** 09/543,268 ✓  
**FILED:** April 5, 2000  
**FOR:** OSTEOIMPLANT AND  
 METHOD FOR ITS MANUFACTURE

**EXAMINER:** Prebilic, P.  
**GROUP ART UNIT:** 3738  
**DATED:** May 16, 2003  
**DOCKET:** 285-79 CON

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

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 MAY 22 2003  
 TECHNOLOGY CENTER R3700

**AMENDMENT TRANSMITTAL FORM**

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small entity status of this application under 37 C.F.R. §§1.9 and 1.27 has been established.

☐ A verified statement to establish small entity under 37 C.F.R. §§1.9 and 1.27 is enclosed.

☒ No additional fee is required.

For	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate (Small Entity)	Addit. Fee	Rate	Addit. Fee
TOTAL CLAIMS*	129	129	0	x 9 =	\$0	x 18 =	\$0
INDEPENDENT CLAIMS	9	9	0	x 42 =	\$0	x 84 =	\$0
<input type="checkbox"/> First Presentation of Multiple Dep. Claim				140		280	\$0

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop AF on May 16, 2003.

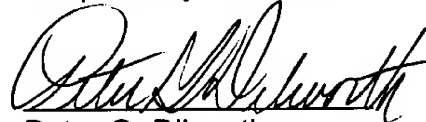
Dated: May 16, 2003

*Maria Goldman*  
 Maria Goldman

- ☐ Please charge Deposit Account No. 04-1121 in the amount of \$\_\_\_\_. Two (2) copies of this sheet are enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §§1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 04-1121. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

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Respectfully submitted,



Peter G. Dilworth  
Reg No. 26,450  
Attorney for Applicant(s)

PGD/MRB:mg



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**RESPONSE**

TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action mailed April 2, 2003 in connection with the subject patent application, applicants request reconsideration and allowance of the claims in light of the following remarks:

**REMARKS**

Claims 1-7, 9-21, 23-43, 45-61, 63-80 and 82-134 are pending in the subject application.

The Examiner has made final the rejection of Claims 1-7, 9-21, 23-43, 45-61, 63-80 and 82-134 under 35 U.S.C. §102(e) as anticipated by Boyce et al. U.S. Patent No. 5,899,939 ("Boyce et al.").

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Dated: May 16, 2003

Maria Goldman  
Maria Goldman

*Reg #16  
Reg for Recen.  
S. Boyce  
5/23/03*